

Pages 1 - 9

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE MAXINE M. CHESNEY, JUDGE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
VS.)	No. CR
)	
UNITED MICROELECTRONICS)	
CORPORATION, et al.,)	
)	
Defendants.)	San Francisco, California
_____)	Wednesday, May 20, 2020

TRANSCRIPT OF ZOOM WEBINAR PROCEEDINGS

APPEARANCES:

For Plaintiff:

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For Defendant United Microelectronics Corporation:

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BY: LESLIE R. CALDWELL, ESQ.

Reported By: **BELLE BALL, CSR 8785, CRR, RDR**
Official Reporter, U.S. District Court

(Appearances continued, next page)

APPEARANCES, CONTINUED:

For Defendant Fujian Jinhua Integrated Circuit, Co. Ltd.:

MORRISON & FOERSTER LLP

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San Francisco, California 94105

BY: CHRISTINE Y. WONG, ESQ.

CHRISTINA NEITZEY, ESQ.

Wednesday - May 20, 2020

2:08 p.m.

P R O C E E D I N G S

THE CLERK: Calling Criminal Case No. 18-465, United States of America versus United Microelectronics, and Fujian Jinhua Integrated Circuit.

Will counsel please state your appearances for the record.

THE COURT: We will start with the government.

MS. VARTAIN: Good afternoon, Your Honor. Laura Vartain and Nicholas Hunter for the United States.

THE COURT: Good afternoon. Thank you.

For United Microelectronics?

MS. CALDWELL: Good afternoon, Your Honor. Leslie Caldwell for UMCi.

THE COURT: Thank you, Ms. Caldwell.

And for Fujian Jinhua?

MS. WONG: Good afternoon, Your Honor. Christine Wong and Christina Neitzey for Fujian Jinhua.

THE COURT: Thank you. Then, if we can proceed at this time, this is a status or scheduling conference.

And I -- I don't know; if somebody wants to bring me up to date as to what's happened, if anything, since the last appearance that we had in this case?

MS. VARTAIN: Certainly, Your Honor. I think the most substantial events that have occurred have been on the electronic discovery side.

1 The government has continued to produce electronic
2 discovery, despite some slowdown from -- due to COVID-related
3 issues. The discovery has continued.

4 And I, in fact, right before this court appearance, got an
5 update that further discovery in this case, materials obtained
6 recently from Taiwan, pursuant to treaty, are being prepared
7 and will soon be given to defense counsel. Although we will
8 need hard drives, so I will communicate separately about that
9 with defense counsel.

10 And for the government's part, that has been the
11 substantial work since our last status conference.

12 **THE COURT:** Okay.

13 Does anyone want to elaborate? Does that pretty well
14 cover it?

15 **MS. WONG:** Your Honor, that does pretty well cover it.

16 There is one matter that we are resolving with the
17 government related to the designation of confidential materials
18 and how we're able to transmit these materials to our teams in
19 Hong Kong, especially given the travel restrictions, because of
20 COVID.

21 We anticipate being able to resolve those issues. If not,
22 then we'll come back and seek relief from the Court. But for
23 now, we're optimistic that that will be resolved.

24 **THE COURT:** All right. Thank you, Ms. Wong.

25 And Ms. Caldwell, anything that you wanted to add on

1 behalf of Advanced Micro?

2 **MS. CALDWELL:** No, Your Honor.

3 **THE COURT:** Okay. So where are we?

4 Before we sort of started the formal aspect of this
5 conference, there was a request that Ms. Geiger perhaps look to
6 see what would be an available next date. And I told her to
7 hold off, because I wasn't sure what we were looking to do the
8 next time. And also, because of the delays that have been
9 created by the COVID-19 pandemic, and I wasn't sure where that
10 might fit in also.

11 Ms. Wong, you had actually made the request. And, why
12 don't you indicate what you think would be an appropriate
13 designation for the next calling of the case.

14 **MS. WONG:** Yes, Your Honor.

15 I was thinking as a status update -- and in part, I don't
16 think we're ready to do more than that, given the government's
17 representation that there's additional discovery forthcoming.
18 And from what we understand, this is particularly relevant
19 important discovery as it relates to the case.

20 **THE COURT:** Do counsel for either of the other parties
21 have any disagreement with that? Or question about it?

22 **MS. CALDWELL:** No, Your Honor.

23 **THE COURT:** All right.

24 Have you, by any chance, Ms. Caldwell, Ms. Wong,
25 Ms. Vartain, had a chance to talk at all about a date that

1 might work for your respective schedules?

2 **MS. WONG:** Ms. Caldwell and I talked about July 8th as
3 a potential possibility.

4 **THE COURT:** Okay. Let's bring in the government,
5 then, and see what they think about that.

6 **MS. VARTAIN:** July 8th is fine with the government,
7 Your Honor.

8 **THE COURT:** Let's just take a look for a second.
9 That should be fine, as far as I can tell.

10 Ms. Geiger, as far as you can tell, is there any reason
11 why we shouldn't do that?

12 **THE CLERK:** That looks fine, Your Honor.

13 **THE COURT:** All right. I'm going to continue the
14 matter, then, to July 8th.

15 Are we calling it a status conference? Further status?

16 **MS. CALDWELL:** I think that makes sense, Your Honor.

17 **THE COURT:** All right. For a further status
18 conference. Let's say that that would be at 2:15, assuming
19 that we can do this in person, or that everybody wants to do it
20 in person.

21 People keep talking about how much these temporary
22 procedures might be ultimately put into place beyond the need
23 that we have at the moment. But I'm assuming that will be a
24 regular court proceeding by July.

25 It may not be. Our court is slowly phasing in certain

1 matters, or trying to, starting in June, as far as in-person
2 appearances. And I don't know what July will hold. But we
3 want to shoot for July 8th, and if we have to adjust at all, we
4 will.

5 Are there any other counsel that wanted to be heard on
6 this matter in any way?

7 (No response)

8 **THE COURT:** I'm not hearing anything.

9 Is there anything else we can do, after we set up this
10 whole procedure, we finally got everybody walking and talking?

11 And who signed out? Somebody signed out. I don't know
12 who it is. It says I signed out. I didn't sign out. That's
13 very weird. And now they're asking me if I want to leave the
14 meeting. No, I don't. Okay. Ha. Sometimes technology -- or
15 at least my skills in operating it -- I don't know.

16 If there isn't anything else, I'm going to call this
17 appearance and proceeding concluded, and we will be --

18 **MS. VARTAIN:** Your Honor?

19 **THE COURT:** Yes -- in recess.

20 **MS. VARTAIN:** The final matter, if we could do an
21 exclusion of time for effective preparation due to the
22 production of --

23 **THE COURT:** Oh, yes. Thank you.

24 Is there anyone who feels otherwise, given the status of
25 discovery at the moment?

1 **MS. CALDWELL:** No, Your Honor.

2 **MS. WONG:** No, Your Honor.

3 **THE COURT:** Then I will do that. Thank you for
4 reminding me.

5 I'll exclude time from the running speedy trial clock for
6 effective preparation of counsel. This will be through the
7 next calling of the case, July 8th.

8 It hardly needs saying, but I will say that effective
9 preparation is in the client's best interests, and outweighs
10 any other interest that they or the public otherwise might have
11 in proceeding without this exclusion.

12 There's no need for any type of written order. It will
13 just be reflected in the minutes.

14 Okay. I actually do look like I'm in the courtroom
15 (indicating).

16 **MS. CALDWELL:** Yeah, you do.

17 **THE COURT:** Yeah, I took that picture and uploaded it.
18 Maybe we should have one of Hawai'i; that's where I would
19 rather be.

20 In any event, okay, let's try it again. Anything further
21 that anyone wants to add?

22 **MS. VARTAIN:** No, Your Honor.

23 **THE COURT:** Thank you very much.

24 **MS. VARTAIN:** No, Your Honor.

25 **THE COURT:** Thank you very much.

1 Everyone stay well, and we will await the next proceeding.

2 Thank you.

3 **MS. CALDWELL:** Thank you.

4 **THE COURT:** This concludes the hearing.

5 Goodbye.

6 (Proceedings concluded)

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CERTIFICATE OF REPORTER

I, BELLE BALL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Belle Ball

/s/ Belle Ball

Belle Ball, CSR 8785, CRR, RDR

Thursday, May 21, 2020